

MARVIN MCELROY, LC 73869
AVENAL SD
PO Box 8
AVENAL, CA 93204

E-filing

FILED
JUN 12 2008
RICHARD W. WEIKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CV 08 2936 VRW
Case No.

MOTION FOR APPOINTMENT
COUNSEL

(PR)

MARVIN MCELROY,
Plaintiff.

v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS AND REHABILITATION, et al.;
W. GUASEWITZ, DIRECTOR OF CORRECTIONS

AVENAL STATE PRISON, et al.,
JAMES D. HARTLEY, WARDEN,
Defendant(s)

PURSUANT TO 28 USC § 1915 (a)(1) PLAINTIFF MOVES FOR AN ORDER APPOINTING
COUNSEL TO REPRESENT HIM IN THIS CASE. IN SUPPORT OF THIS MOTION PLAINTIFF
STATES:

1. PLAINTIFF IS UNABLE TO AFFORD COUNSEL. HE HAS REQUESTED LEAVE TO PROCEED IN
FORMA PAUPERIS.
2. PLAINTIFF'S IMPRISONMENT WILL GREATLY LIMIT HIS ABILITY TO LITIGATE. PLAINTIFF
IS IN ADMINISTRATIVE SEGREGATION AND IT TAKES WEEKS TO GET BOOK. THE ISSUES
IN THIS CASE ARE COMPLEX, AND WILL REQUIRE SIGNIFICANT RESEARCH AND INVESTIGATION.
PLAINTIFF READS AT A GRADE LEVEL OF 4, PSYCHOLOGICAL CONDITIONS THAT IMPAIR HIS
ABILITY TO LEARN AND ^{HE HAS} NO KNOWLEDGE OF THE LAW.
3. THIS MOTION, COMPLAINT AND OTHER DOCUMENTS WAS PREPARED BY HIS CELL-MATE
WHO CAN BE TRANSFERRED AT ANY TIME, EITHER BACK TO THE YARD OR OTHER INSTITUTION.
4. A TRIAL IN THIS CASE WILL LIKELY INVOLVE CONFLICTING TESTIMONY, AND COUNSEL
WOULD BETTER ENABLE PLAINTIFF TO PRESENT EVIDENCE AND CROSS EXAMINE WITNESSES.

1 WHEREFORE, PLAINTIFFS REQUEST THAT THE COURT APPOINT CHARLES CARBONE, ESQ.
2 A MEMBER OF THE CALIFORNIA BAR, AS COUNSEL IN THIS CASE.
3

4 DATE: MAY 29, 2008
5

6 Marvin McElroy
7 MARVIN M^CELROY

8 AVENAL SP
9 RD BOX 8
AVENAL, CA 93204
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MARVIN MCELROY C73869
 AVALON SP
 PO BOX 8
 Avalon, Ca. 93204

1 NOTICE OF RESIGNATION

2 CIVIL ACTION NO. _____

3 JUNE 5, 2008
 E-filing

4
 5 TO WHOM IT MAY CONCERN.

6 CV 08

2936

VRW

7 GREETINGS ALL,

8 I, CHARLES WALTON, THE WRITER OF THE HEREINCLOSED CIVIL COMPLAINT,
 9 WISH TO INFORM THE READER, THAT I AM NO LONGER ABLE TO ASSIST
 10 MR MCELROY IN THIS LEGAL MATTER; NOR IN THE PREPARATION OF
 11 DOCUMENTS, THAT WILL BE REQUIRED TO CONTINUE IN THIS CASE.

12 SO, I PART WITH GREAT REGRET, IN THAT I CAN NOT CLOSE
 13 THIS SUIT WITH /FOR MR MCELROY; FOR HE HAS STOOD THE TEST OF
 14 TIME, AND IS AN EXAMPLE TO BE FOLLOWED.

15 HE IS CORRECTED. HE IS REHABILITATED; AND CONTRARY TO THE
 16 CONDITION(ING) OF HIS CONFINEMENT. [T]HE RECORD SPEAKS FOR
 17 ITSELF.

18 THERE ARE SEVERAL FACTORS, MENTIONED IN THE ATTACHED
 19 COMPLAINT, THAT IMPEDES HIS ABILITY TO FREELY EXERCISE HIS
 20 RIGHT TO REDRESS HIS GRIEVANCES BEFORE THIS COURT.

21 IT IS HOPED THAT WHOM EVER READS THIS NOTICE, BE
 22 COMPELLED TO ADVOCATE ON HIS BEHALF. ANSWER HIS PRAYER FOR
 23 RELIEF TO THE TRIER OF FACT IN THIS MATTER, MY PRAYER IS
 24 THAT YOU GRANT THE REQUESTED, AS WELL AS, APPOINT COUNSEL TO
 25 ASSIST MR MCELROY VINDICATE HIS RIGHT AND END HIS SUFFERING.

26 ALL WHO HAVE QUESTIONS AS TO STEPS ALREADY TAKEN OR ABOUT THE
 27 DOCUMENT(S) THAT HAVE BEEN FILED, FOR INQUIRIES WRITE TO:

1012

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2
3 CHARLES WALTON, F48589
4 AVENAL STATE PRISON
5 PO BOX 8
6 AVENAL, CA 93204

7 SINCERELY YOURS

8
9 THE WRITER CHARLES WALTON

10
11
12 OTHER CONTACTS: MCELROY ASSOCIATES

13 643 17TH St.
14 OAKLAND, CA.
15 Attn: P. MCELROY
16 FAX: (510) 238-9316
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NOTICE OF RESIGNATION 6/5/08

SUMMIT BOND

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